

REMARKS

By the above actions, claims 1, 13, & 18 have been amended. In view of these actions and the following remarks, reconsideration of this application is requested.

The declaration was objected to and a new declaration required. However, the objection and requirement are totally inappropriate. That is, if the Examiner will review the Declaration form, she will see that it is an official PTO form which has no place for the data that he believes needs to be on it, and that this form is for use with an Application Data Sheet. Furthermore, if the Examiner will review the file she will find that an Application Data Sheet was been submitted at the time that the Declaration was filed and which contains the data in question. Lastly, the Examiner's attention is directed to 37 CFR § 1.63(c) and the cited section of the MPEP, both of which indicate that the foreign priority data can be provided by way of an Application Data Sheet instead of via the Declaration. Thus, since the foreign priority data was provided by way of an Application Data Sheet, no new Declaration should be required and the Examiner's objection and requirement should now be withdrawn.

Claims 1 & 13 were objected to due to a typographical error in claim 1 and a lack of antecedent basis for a term in claim 13. Both of these errors have been corrected. Furthermore, other minor editorial revisions have been made to claims 1 & 18. Accordingly, withdrawal of the objection to the claims is in order and is requested.

All of the claims stand rejected based on the disclosure of the Hölzl patent, either alone under 35 USC § 102 or in combination with the Wick patent (claims 10, 13 & 22) under § 103. These rejections are clearly based upon either a misunderstanding of the claims or of the Hölzl since apart from disclosing an alignment process and apparatus, the Hölzl bears no resemblance to present invention in structure, function or operation.

With reference to claim 1, it can be seen that while the present invention is directed to a process for determining the alignment of a cylindrical body with respect to a reference direction, the Hölzl patent determines the alignment of a first cylindrical body with respect to a second cylindrical body. Furthermore a measurement device is used in accordance with the present invention which has a first attachment area and a second attachment area and a position measurement probe that is calibrated to the reference direction. In Hölzl, his probe will not be calibrated to the reference direction, and it will allow arbitrary and considerable

amounts of offset because it is just the differences of measurement data over rotational angle that are relevant to Hölzl, e.g., the exact shape of the Hölzl ellipses (see, Fig. 8), but not at all the exact location of such ellipses on the "measurement probe" or on a theoretical or imagined map. Additionally, while the present invention is capable of detecting a first angle of rotation of the probe around a first axis which is fixed in space and a second angle of rotation of the probe around a second axis fixed in space, no means is disclosed by Hölzl for detecting a second angle of rotation around a second axis of rotation, let alone one that is "fixed in space."

The Examiner's attention is also directed to the fact, as shown in Fig. 1 and described in the specification, the reference direction 10' is not the axis of rotation 10 and that the differences in the axes about which the angle of rotation is measure result from the repositioning and swinging of the probe, attachment positions E & Z for the foot 120 and swinging of prod 140 from point A2 to point A2' and from B2 to B2' respectively, while equivalent capability is disclosed by Hölzl. Looking at the claimed process steps, this characteristic of the invention can be found in the language defining the steps of:

performing a first measurement in which the probe is located with the first attachment area and the second attachment area on a peripheral surface of the body, wherein the *first attachment area is* a first measurement position which is *held stationary* with respect to the peripheral surface of the body and wherein, *at the second attachment area, the probe is angularly displaced relative to the first attachment area* into contact with the peripheral surface of the body

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performing a second measurement in which the probe is attached with the first attachment area and the second attachment area on another part of the peripheral surface of the body which is offset in a peripheral direction from the area on the peripheral surface of the body on which the probe is located during the first measurement, wherein the *first attachment area is held stationary* with respect to the peripheral surface of the body and wherein, *at the second attachment*

area, the probe is angularly displaced relative to the first attachment area into contact with the peripheral surface of the body [Emphasis added]

The Examiner has cited column 5, lines 35-61 relative to these steps, but there is absolutely nothing in that portion of the Hölzl disclosure, or any other portion thereof, which in any way even remotely suggests or teaches the performance of such steps or an apparatus capable of performing such steps. In this regard, the Examiner's attention is directed to the fact that Hölzl's Fig 6 (to which the cited text relates) shows the rod 14 (misabeled 17 in Fig. 6, compare with Fig. 5) mounted on body 1 and the two probes 18 contact end and peripheral surfaces of a second body 2, neither of which is fixed while the other is angularly swung, not to mention the fact that the claims require that the attachment areas be part of a single probe, not two separate ones. Still further, the present invention requires the characteristic of the first angle and the second angle of rotation to be detected "during the angular displacement." This not possible with the Hölzl device. Moreover, since Hölzl does not perform the recited two measurements, no comparison of the characteristic of the first angle and second angle of rotation from the first measurement with the characteristic of the first angle and second angle of rotation from the second measurement can be obtained, nor can the alignment of the body with respect to the reference direction be obtained as result of such a comparison.

As for the patent to Wick, nothing in its disclosure can correct for the deficiencies described above as being present in the Hölzl disclosure. The Wick patent describes a method and apparatus for aligning rotational bodies that is totally unrelated to either that of the present invention or that of the Hölzl patent. The magnetic foot of Wick is for attaching of optical sensor carriers on the body being measured using light beams for a light emitter 20 located off of the rotational body, and is inapplicable to the gages of Hölzl's device. At best, Wick suggest the use of a magnet for affixing the support for Hölzl's rod 14, but even doing so does not render Hölzl's disclosure capable of anticipating or rendering obvious the present invention.

Accordingly, it is submitted that the outstanding rejections are inappropriate and should be withdrawn, such action being hereby requested.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not

considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Extension of Time Petition accompanies this response along with a deposit account authorization for payment of the requisite extension of time fee. However, should that petition become separated from this Amendment, then this Amendment should be construed as containing such a petition and authorization for the required payment applied to Deposit Account No. 19-2380 (741124-110).

Respectfully submitted,

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